

THIRTY-FIFTH DAY

(Wednesday, March 7, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Mauritz	Winfield
Metcalfe	York
Moffett	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Leaves of Absence Granted

Senators Chadick, Kelley, Martin and Shivers were granted leaves of absence for today on account of important business on motion of Senator Aikin.

Reports of Standing Committees

Senator Weinert submitted the following report:

Austin, Texas,
March 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Oil, Gas Conservation, to whom was referred S. B. No. 213, by Weinert, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed.

WEINERT, Chairman.

Senator Spears submitted the following report:

Austin, Texas,
March 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Debts, Claims, and Accounts, to whom was referred S. B. No. 82, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute do pass in lieu thereof and be printed.

SPEARS, Chairman.

Senator Metcalfe submitted the following report:

Austin, Texas,
March 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred S. B. No. 184, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

Senator Vick submitted the following reports:

Austin, Texas,
March 6, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 157, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Austin, Texas,
March 6, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 160, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Austin, Texas,
March 6, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred S. B. No. 214, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Austin, Texas,
March 6, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 161, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Austin, Texas,
March 6, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 190, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Austin, Texas,
March 6, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 183, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendments and be printed.

VICK, Chairman.

Austin, Texas,
March 6, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 27, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VICK, Chairman.

Senator Bullock submitted the following report:

Austin, Texas,
March 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundries to whom was referred S. B. No. 193 by Sulak, have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

BULLOCK, Vice-Chairman.

Austin, Texas,
March 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Banking to whom was referred S. B. No. 211, have had the same under consideration and wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,
March 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Banking to whom was referred S. B. No. 210, have had the same under consideration and wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Spears:

S. B. No. 222, A bill to be entitled "An Act amending Section 7 of Article 6008 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 120, Acts of the Forty-Fourth Legislature, Regular Session, and as amended by Chapter 91, Acts of the Forty-Seventh Legislature, providing a constitutional severability clause, and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senator Carney:

S. B. No. 223, A bill to be entitled "An Act amending Article 2922A, Revised Civil Statutes of Texas, as amended by Chapter 78, Section 1, General and Special Laws, First Called Session 40th Legislature, 1927,

by adding thereto another paragraph providing an additional method of the dissolution of rural high school districts, and providing that if a district is severed from such districts that the severed district cannot be grouped with another district for a period of two years after such severance, and further providing that any district so severed shall assume its pro rata part of the outstanding financial obligation of the rural high school district; and declaring an emergency."

To Committee on Education.

By Senator Carney:

S. B. No. 224, A bill to be entitled "An Act making it unlawful to hunt or possess any game bird, game animal, furbearing animal or fresh-water fish of this State except in accordance with a regulation issued by the Game, Fish and Oyster Commission then in effect; charging the Game, Fish and Oyster Commission with the duty of making a continuous study of the supply of game birds, game animals, furbearers and fresh-water fish, and making regulations in pursuance of such investigation pertaining to the taking and possession of same so as to grant the most reasonable and equitable privileges to the hunters, fishermen and trappers of this State and at the same time safeguard the wildlife supply of the State; prescribing the method by which such regulations shall be publicized; providing for the effectiveness of any of such regulations until its repeal or amendment by the Game, Fish and Oyster Commission, or until it is declared invalid by court of final jurisdiction; making it unlawful to violate any regulation currently valid issued by the Game, Fish and Oyster Commission; prescribing suitable penalty for such violation; enumerating the laws which this Act does not repeal; repealing all other laws, general and special, insofar as they provide an open season, bag limit, possession limit, seasonal limit, size limit, age or sex limitation; or insofar as they regulate the use of any means for taking game birds, game animals, furbearers or fresh-water fish; providing a saving clause; and declaring an emergency."

To Committee on Game and Fish.

By Senator Carney:

S. B. No. 225, A bill to be entitled "An Act declaring the legislative

policy of the State as to Daingerfield Lake in Morris County in regard to game; regulating and prohibiting the use and discharge of firearms on said Daingerfield Lake; making it a misdemeanor and providing a penalty for a violation of certain provisions of the Act; providing certain exemptions from the provisions of the Act; prescribing the powers and duties of peace officers and game wardens in the enforcement of the Act; providing a saving clause; and declaring an emergency."

To Committee on Game and Fish.

By Senator Vick:

S. B. No. 226, A bill to be entitled "An Act to provide for the creation of Warm Air Heating and Air Conditioning Administrative Board for the State of Texas and prescribing its duties and authorities thereof; defining certain terms, the adoption and enforcement of standards for the installation of warm air heating and air conditioning equipment; providing for the licensing, revocation and suspension of firms or corporations engaged in the business of installing warm air heating and air conditioning equipment; providing for local supervision and permits; providing for inspector's certificate of qualifications, authority, inspection and approval; and providing for the continuance of municipal licensing provisions; providing for the deposit of fees and records of the board and also providing penalties and liability for damage and providing for validity and repeal and also providing for an emergency."

To Committee on State Affairs.

By Senator Hazlewood:

S. B. No. 227, A bill to be entitled "An Act amending Article 2118 of the Revised Civil Statutes of Texas, 1925, providing that where the requisite number of jurors are not in attendance at any time the court may direct the sheriff to summon a sufficient number of qualified men to make up the deficiency that in counties governed by the jury wheel law the names of those to be summoned shall be drawn from the jury wheel unless the parties waive the use of the jury wheel and providing for the discharge of the jurors so drawn and providing for the adjournment of the whole number of jurors for the week or part

thereof to any subsequent day of the term and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Sulak:

S. B. No. 228, A bill to be entitled "An Act changing the name of "Prairie View State Normal and Industrial College" for colored teachers to "Prairie View University" and providing for the establishment of courses in law, medicine, engineering and pharmacy in such University whenever there is any demand for any of such courses."

To Committee on Education.

By Senators Lane and Morris:

S. B. No. 229, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office, with the approval of the School Land Board, to enter into agreements whereby the State's royalty interests in natural gas reserved in or retained in any patent or contract of sale or under the terms of any lease executed by an agent of the State under the Relinquishment Act or any lease executed and issued by the Commissioner of the General Land Office, except leases covering land belonging to The University of Texas, are pooled and consolidated with other interests in natural gas so as to form pooled areas; fixing a minimum royalty to be received by the State, repealing all laws in conflict herewith; providing a saving clause; and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senator Parrish:

S. B. No. 230, A bill to be entitled "An Act to make it unlawful to take or kill wild quail or prairie chickens of any species for a period of five years in Terry County, Texas; fixing penalty; providing a rule of evidence; and declaring an emergency."

To Committee on Game and Fish.

By Senator Parrish:

S. B. No. 231, A bill to be entitled "An Act amending Article 776, Revised Code of Criminal Procedure, 1925, pertaining to granting of suspended sentence, so as to provide that suspension of sentence shall not be granted until a finding has been made by the trial judge that the defendant's bertillon measurements and/or fin-

gerprints have been taken; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Parrish:

S. B. No. 232, A bill to be entitled "An Act amending Section 4 of Chapter 43, S. B. No. 53, Acts of 1931, 42nd Legislature, Regular Session, known as Article 776a, Code of Criminal Procedure, pertaining to granting of suspended sentence, so as to provide that suspension of sentence shall not be granted until a finding has been made by the trial Judge that the defendant's bertillon measurements and/or fingerprints have been taken; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senators Morris and Graves:

S. B. No. 233, A bill to be entitled "An Act authorizing the control by the Board of Insurance Commissioners of the State of Texas of the business of casualty, fidelity, surety and guaranty insurance; providing for the making and filing and approval or disapproval of rates, policies and forms relative thereto; providing for the licensing of rating organizations and the fee therefor and the control thereof; providing for appeals to the Board of Insurance Commissioners by a member of a rating organization; providing for furnishing of rating information to insureds, and for a hearing for an aggrieved insured; providing for rate administration by the Board of Insurance Commissioners of Texas; prohibiting rebates and providing a penalty therefor; regulating profit sharing; prohibiting the giving of false or misleading information; providing penalties for any violation of the Act; providing for the judicial review of orders of decisions of the Board of Insurance Commissioners; providing for the levying and collection of a maintenance tax; repealing all laws and parts of laws in conflict herewith; providing that if any part of the Act is held unconstitutional the balance shall be upheld, and declaring an emergency."

To Committee on Insurance.

By Senators Morris and Graves:

S. B. No. 234, A bill to be entitled "An Act amending Article 4905A, Chapter 180, Acts of the Regular Ses-

sion, 42nd Legislature, so as to include other described lines of insurance; also providing for the filing by insurance companies and rating bureaus and associations of underwriters of rates and rating plans, policy forms and endorsements applicable to certain lines of insurance written by fire insurance companies and the approval or disapproval thereof by the Board of Insurance Commissioners of Texas; also authorizing checking officers; also amending Article 4902, as amended, of Revised Civil Statutes of 1925, and declaring an emergency."

To Committee on Insurance.

By Senator York:

S. B. No. 235, A bill to be entitled "An Act providing for and fixing the salaries of the Justices of the Supreme Court, the Judges of the Court of Criminal Appeals, the Judges of the Supreme Court Commission of Appeals, and the Judges of the Commission in Aid of the Court of Criminal Appeals, the Justices of the Courts of Civil Appeals, and the Judges of the District Courts and of the Criminal District Courts of the State of Texas; repealing all laws in conflict with this Act; and declaring an emergency."

To Committee on Civil Jurisprudence.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 207, Methods certain independent school districts may divest themselves of management, etc., of junior colleges and universities.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Message from the Governor

The following message, received from the Governor today, was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,
March 7, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be member and Chairman of the State Highway Commission for a six year term to expire February 15, 1951:

Hon. John S. Redditt of Lufkin, Angelina County.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Senate Bill 165 Recommitted

On motion of Senator Spears, Senate Bill No. 165 was recommitted to the Committee on Civil Jurisprudence.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March, 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. J. R. No. 20, Amending Section 2, Article V, of the Constitution so as to provide for nine (9) Justices of the Supreme Court selected from Supreme Court Districts.

S. B. No. 17, A bill to be entitled "An Act appropriating the sum of \$13,250.00 or so much thereof as may be necessary to satisfy, according to the terms thereof, the judgment rendered against the State of Texas in favor of W. D. Malone in Cause No. 53,930 in the Fifty-third District Court of Travis County, Texas, such judgment having been appealed to the Court of Civil Appeals and affirmed, and writ of error having been refused for want of merit by the Supreme Court of Texas, and the case having been finally disposed of by the Supreme Court of the State of Texas under Application Docket No. 26,902; and declaring an emergency."

H. C. R. No. 37, Authorizing the

Enrolling Clerk to make certain corrections in H. B. No. 13.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill 271 on Second Reading

Senator Taylor moved that Section 5 of Article III of the State Constitution be suspended and that H. B. No. 271 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Mauritz	Winfield
Metcalfe	York
Moffett	

Absent—Excused

Chadick	Martin
Kelley	Shivers

The President laid before the Senate on its second reading and passage to third reading.

H. B. No. 271, Appropriating the sum of One Thousand, Seven Hundred and Fifty Dollars (\$1,750), or so much thereof as may be necessary, to the Texas State Board of Registration for Professional Engineers for the employment of two (2) clerks at a salary of One Hundred and Twenty-five Dollars (\$125) per month each for the remainder of the current fiscal year ending August 31, 1945.

The bill was read second time and was passed to third reading.

House Bill 271 on Third Reading

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 271 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Mauritz	Winfield
Metcalfe	York
Moffett	

Absent—Excused

Chadick	Martin
Kelley	Shivers

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Mauritz	Winfield
Metcalfe	York
Moffett	

Absent—Excused

Chadick	Martin
Kelley	Shivers

(President pro tempore in the Chair)

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March, 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 85, A bill to be entitled "An Act amending Chapter 88, House Bill No. 6, Section 13, Acts of the Forty-first Legislature, Second

Called Session, as amended by the Acts of the Forty-third Legislature, Regular Session, Chapter 178, Section 1, House Bill No. 459, as amended by the Acts of the Forty-eighth Legislature, Regular Session, Chapter 51, Sections 1, 2, 3, 4, 5, and 6, House Bill No. 273, to permit the State Highway Department to issue for the 1946, 1947, and 148 registration years single plate or plates of metal or other material, symbols, tabs; or other devices, in connection with or in lieu of the motor vehicle license plate or plates; authorizing the Highway Department to prescribe the place of attachment of the license plate or plates, symbols, tabs or other devices; amending Chapter 178, House Bill No. 459, Section 2, Acts of the Forty-third Legislature, Regular Session, to provide for the design, specifications and purchase of such registration insignia; repealing all laws in conflict herewith; providing a saving clause; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill 236 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 236, Granting the Commissioners Court of Williamson County permission to pay out of the General Fund of said County bounties for the destruction of rattlesnakes and predatory animals; and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 236 on Third Reading

Senator Stanford moved that the constitutional rule requiring bill to be read on three several days be suspended and that H. B. No. 236 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Knight
Brown	Lane
Bullock	Lanning
Carney	Mauritz
Crawford	Metcalf
Graves	Moffett
Hazlewood	Moore
Jones	Morris

Parrish	Taylor
Ramsey	Vick
Spears	Weinert
Stanford	Winfield
Stone	York
Sulak	

Absent—Excused

Chadick	Martin
Kelley	Shivers

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Mauritz	Winfield
Metcalf	York
Moffett	

Absent—Excused

Chadick	Martin
Kelley	Shivers

House Bill 143 on Second Reading

Senator Spears moved that Section 5 of Article III of the State Constitution be suspended and that H. B. No. 143 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Morris
Brown	Parrish
Bullock	Ramsey
Carney	Spears
Crawford	Stanford
Graves	Stone
Hazlewood	Sulak
Jones	Taylor
Knight	Vick
Lane	Weinert
Mauritz	Winfield
Metcalf	York
Moffett	

Nays—1

Moore

Absent

Lanning

Absent—Excused

Chadick
KelleyMartin
Shivers

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 143, A bill to be entitled "An Act creating the 9th Judicial District Court for Nueces County; defining its jurisdiction; adjusting business of the 28th District Court of Nueces County and the 117th District Court of Nueces County with the Court created hereby; prescribing the duties of the District Clerk with respect thereto; excluding the Criminal District Court of Nueces County from the provisions of the Act; providing for the appointment and subsequent election of a Judge; and fixing the time during which said Court shall exist; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 143 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 143 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Morris
Brown	Parrish
Bullock	Ramsey
Carney	Spears
Crawford	Stanford
Graves	Stone
Hazlewood	Sulak
Jones	Taylor
Knight	Vick
Lane	Weinert
Mauritz	Winfield
Metcalf	York
Moffett	

Absent

Lanning

Moore

Absent—Excused

Chadick
KelleyMartin
Shivers

The President pro tempore then

laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Brown	Moffett
Bullock	Parrish
Carney	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Taylor
Knight	Vick
Lane	Weinert
Mauritz	Winfield
Metcalf	York

Nays—2

Aikin

Sulak

Absent

Lanning
Moore

Morris

Absent—Excused

Chadick
KelleyMartin
Shivers

House Concurrent Resolution 37

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 37, Authorizing the Enrolling Clerk to correct H. B. No. 13.

The resolution was read and was adopted.

House Bill 355 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 355, A bill to be entitled "An Act declaring the policy of the State of Texas with reference to regulations permitting the taking of game and fish in that portion of the State inundated by a dam across Red River, at Denison, Texas, and the federally owned lands in connection therewith, under the provisions of Chapter 213, House Bill No. 654, Regular Session, Forty-eighth (48th) Legislature, providing for certain licenses, etc., and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 355 on Third Reading

Senator Jones moved that the constitutional rule requiring bills to be read on three several days be suspended and that N. B. No. 355 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Mauritz	Winfield
Metcalf	York
Moffett	

Absent—Excused

Chadick	Martin
Kelley	Shivers

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Mauritz	Winfield
Metcalf	York
Moffett	

Absent—Excused

Chadick	Martin
Kelley	Shivers

(Senator Metcalfe in the Chair)

House Concurrent Resolution 10

The Presiding Officer laid before the Senate for consideration at this time:

H. C. R. No. 10, granting permission to R. R. Rice, Trustee, to sue the State of Texas.

The resolution was read second time.

Senator Aikin offered the following amendment to the resolution:

Amend H. C. R. No. 10 by adding the following: "The passage of this Resolution is no admission of liability on the part of the State."

The amendment was adopted.

Question then recurring on the resolution as amended, it was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 107, An Act to amend Section 2 of Article 2 of House Bill No. 176, Chapter 373, Acts of the 48th Legislature, 1943; and declaring an emergency.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 30

The Presiding Officer laid before the Senate for consideration at this time:

H. C. R. No. 30, Relative to the inauguration of the planting and propagation of a county selected tree or shrub in the several counties of Texas.

The resolution was read and was adopted.

Senate Bill 181 on Passage to Engrossment

The Presiding Officer laid before the Senate, as a special order for this hour, on its passage to engrossment (the bill having been read second time on Tuesday, March 6, 1945):

S. B. No. 181, A bill to be entitled "An Act amending Article 1302, Title 32, Revised Civil Statutes of Texas, by adding a new section thereto to be known as "2A" authorizing the creation and operation of charitable cor-

porations for the purpose or purposes of owning and operating non-profit cooperative hospitals, and for the purpose of providing medical, dental, health, surgical, nursing, hospitalization and related services and benefits, for the members and families of the members of such corporation; providing that such corporations shall not be deemed to be insurance companies and shall not be subject to the insurance laws of Texas; providing that such corporations shall not be authorized to be created and operated in towns or cities of more than twenty-five hundred (2500) population, according to the last preceding Federal Census; repealing all laws or parts of laws in conflict with the provisions of this Act; providing that if any article, section, sub-section, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of any remaining portions of the Act; and declaring an emergency."

Senator Moffett offered the following amendment to the bill:

Amend Senate Bill 181 by striking out the words "and operated" in line 37, page 1, of printed bill.

The amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend Senate Bill No. 181 by striking out Section 1 of said bill and inserting in lieu thereof the following:

"Section 1. Article 1302, Title 32, Revised Civil Statutes of Texas, (1925), as amended, shall hereafter be further amended by adding thereto a new section to be known as Section 2A:

"2A. Charitable corporations may be created for the purpose, or purposes, of owning and operating non-profit cooperative hospitals, and for the purpose of providing a suitable place in the immediate locality where members and families of members of such corporation may obtain medical, dental, health, surgical, nursing, hospitalization, and related services and benefits. Any such corporation so organized shall not be deemed to be an insurance company, and shall not be subject to the insurance laws of Texas."

The amendment was adopted.

Senator York offered the following amendment to the bill:

Amend S. B. 181 as amended, so that the last sentence in Section 2A shall read: "Any such corporation so organized shall be deemed to be an insurance company, and shall be subject to the insurance laws of Texas."

Question—Shall the amendment be adopted?

Message from the House

Hall of the House of Representatives
Austin, Texas
March 7, 1945

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 36. Inviting Wick Fowler to address a Joint Session of the Legislature.

H. C. R. No. 38. Requesting the Honorable Frank C. Walker, Postmaster General of the United States, to have issued a postage stamp in commemoration of the centennial of the voluntary surrender of sovereignty of the Republic of Texas and its annexation into the American Union.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk House of Representatives.

House Concurrent Resolution 36

On motion of Senator Graves, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 36, Inviting Hon. Wick Fowler to address a joint session of the Legislature Tuesday, March 13, 1945 at 11:30 o'clock a. m.

The resolution was read and was adopted.

Adjournment

Senator Vick moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Moore moved that the Senate adjourn until 10:30 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Moore, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—18

Carney	Parrish
Crawford	Ramsey
Graves	Spears
Jones	Stanford
Knight	Stone
Lane	Taylor
Lanning	Vick
Mauritz	Winfield
Moore	York

Nays—8

Aikin	Metcalf
Brown	Moffett
Bullock	Sulak
Hazlewood	Weinert

Absent

Morris

Absent—Excused

Chadick	Martin
Kelley	Shivers

Accordingly, the Senate, at 12:00 m., adjourned until 10:30 o'clock a. m. tomorrow.

THIRTY-SIXTH DAY

(Thursday, March 8, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Morris
Brown	Parrish
Carney	Ramsey
Crawford	Spears
Graves	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Metcalf	Winfield
Moffett	York
Moore	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Hazlewood, Kelley, Chadick, Shivers, Mauritz, and Bullock were granted leaves of absence for today on account of important business on motion of Senator Lane.

Reports of Standing Committees

Senator Martin submitted the following report:

Austin, Texas,
March, 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred S. J. R. No. 12 by Mauritz, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MARTIN, Chairman.

Senator Knight submitted the following report:

Austin, Texas,
March 8, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom was referred H. B. No. 302, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be printed.

KNIGHT, Chairman.

Senator Jones submitted the following report:

Austin, Texas,
March 8, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Commerce and Manufacturing to whom was referred S. B. No. 218, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

JONES, Chairman.

Senator Moffett submitted the following reports: